

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Dkt: MAGERL2

In re Application of:  
 Friedrich MAGERL et al.  
 Serial No. 10/573,761  
 IA Filing Date: September 22, 2004  
 For: DEVICE FOR PLACING INSTRUMENTS OR...

) Application Division  
 ) ATTN: PCT  
 ) Washington, D.C.  
 ) Confirmation No. 3992  
 ) Date: February 16, 2007

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
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 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated December 27, 2006. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information and priority information.  
 [XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.  
 [XX] An Information Disclosure Statement with 08A- 1449 and 2 references.  
 [XX] English Translation  
 [XX] Additional fees as calculated below:

|  |                        |            |
|--|------------------------|------------|
| Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [XX] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). |                        | \$130.00   |
| Number of each additional 50 pages or fraction thereof (round up to a whole number)  | RATE                   |            |
|  | X \$250.00             |            |
| Number of Claims Previously Paid For   | Number of Extra Claims | Rate       |
| 15- 20 =   | 0                      | X \$ 50.00 |
| 1- 3 =   | 0                      | X \$200.00 |
| Multiple Dependent Claims (if applicable)  |                        | + \$360.00 |
| TOTAL OF ABOVE CALCULATIONS  |                        | \$130.00   |
| Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.                                       |                        | <\$65.00 > |
| SUBTOTAL   |                        | \$65.00    |
| Processing fee of \$130.00 for late furnishing of the English translation.   |                        | \$         |
| TOTAL NATIONAL FEE   |                        | \$65.00    |

- [ ] Surcharge for late filing of the Declaration was paid on \_\_\_\_\_.  
 [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

| Small Entity                |   |            |
|-----------------------------|---|------------|
| Response Filed Within       |   |            |
| [ ] First                   | - | \$ 60.00   |
| [ ] Second                  | - | \$ 225.00  |
| [ ] Third                   | - | \$ 510.00  |
| [ ] Fourth                  | - | \$ 795.00  |
| [ ] Fifth                   | - | \$1,080.00 |
| month after time period set |   |            |

| Other Than Small Entity     |   |            |
|-----------------------------|---|------------|
| Response Filed Within       |   |            |
| [ ] First                   | - | \$ 120.00  |
| [ ] Second                  | - | \$ 450.00  |
| [ ] Third                   | - | \$1,020.00 |
| [ ] Fourth                  | - | \$1,590.00 |
| [ ] Fifth                   | - | \$2,160.00 |
| month after time period set |   |            |

- [XX] Total fees enclosed: \$65.00  
 [XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$65.00 is enclosed to cover the above fees.  
 [XX] Conditional Petition for Extension of Time:  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.  
 [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:

Sheridan Neimark  
 Registration No. 20,520



## UNITED STATES PATENT AND TRADEMARK OFFICE

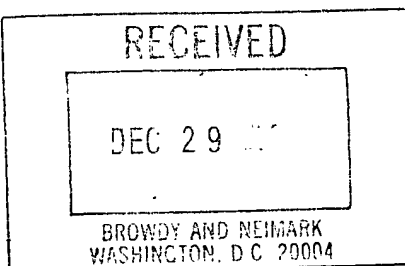
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|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/573,761                  | Friedrich Magerl      | MAGERL2          |

1444

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|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/CH04/00596                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 09/22/2004                    | 09/29/2003    |

CONFIRMATION NO. 3992

371 FORMALITIES LETTER



\*OC000000021684915\*

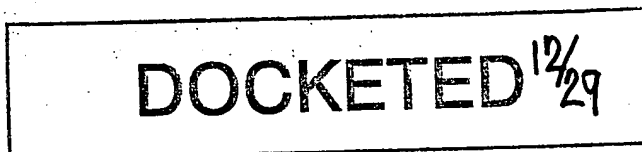
Date Mailed: 12/27/2006

MSP/IDS=27FE2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/29/2006
- Copy of the International Search Report filed on 03/29/2006
- Request for Immediate Examination filed on 03/29/2006
- U.S. Basic National Fees filed on 03/29/2006
- Priority Documents filed on 03/29/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/573,761                  | PCT/CH04/00596                | MAGERL2          |